

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2033

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 8520~~—and 8528~~, 8528, *and* 8674 of the Business and Professions Code, relating to pest control, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 2033, as amended, Figueroa. Structural Pest Control Board.

(1) Existing law establishes the Structural Pest Control Board to administer licensing and regulation provisions related to the practice of pest control and its various branches and authorizes the appointment of a registrar to serve as the executive officer and secretary of the board. The provisions establishing the board and authorizing the appointment of a registrar become inoperative on July 1, 2001, and are repealed on January 1, 2002.

This bill would ~~extend the~~ *delete these* inoperative and repeal dates ~~of~~, *providing, instead, that* the provisions establishing the board and authorizing the appointment of a registrar ~~to future unspecified dates~~ *would become inoperative on July 1, 2005, and repealed on July 1, 2006.*

(2) *Under existing law, the board is authorized to charge and collect specified fees, including one for each pesticide use stamp purchased from it. Existing law provides that this particular fee may be deposited into, among other designated accounts, the Structural Pest Control Research Fund, which*

is continuously appropriated. Existing law also requires the board to establish a research advisory panel including, among other members, representatives from the University of California, for the purpose of soliciting and reviewing research proposals for recommendation to the board, which then distributes funds to qualified applicants.

This bill would require the University of California Structural Pest Control Research Extension (SPREC) to solicit on behalf of the board requests for proposals. This bill would require the board to direct SPREC, with administrative oversight by the Director of Forest Products Laboratory Cooperative Extension of the University of California, to prepare and issue the research contracts and authorize for transfer from the Structural Pest Control Research Fund the funds to the applicants whose proposals were accepted by the board. This bill would additionally provide for payment, as specified, from this fund to the Forest Products Laboratory Cooperative Extension of the University of California for its services. Because this bill would authorize a new expenditure from this fund, this bill would make an appropriation.

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8520 of the Business and
 2 Professions Code is amended to read:
 3 8520. (a) There is in the Department of Consumer
 4 Affairs a Structural Pest Control Board, which consists of
 5 seven members.
 6 (b) Subject to the jurisdiction conferred upon the
 7 director by Division 1 (commencing with Section 100) of
 8 this code, the board is vested with the power to and shall
 9 administer the provisions of this chapter.
 10 (c) It is the intent of the Legislature that consumer
 11 protection is the primary mission of the board.
 12 (d) This section shall become inoperative on July 1,
 13 ~~=====, and, as of January 1, =====, is 2005, and, as of~~
 14 ~~January 1, 2006, is repealed, unless a later enacted statute,~~
 15 ~~which becomes effective on or before January 1,=====~~

2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 2. Section 8528 of the Business and Professions Code is amended to read:

8528. With the approval of the director, the board shall appoint a registrar, fix his or her compensation and prescribe his or her duties.

The registrar is the executive officer and secretary of the board.

This section shall become inoperative on July 1, ~~and, as of January 1, 2005, is repealed, 2005,~~ and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 8674 of the Business and Professions Code is amended to read:

8674. The fees prescribed by this chapter are the following:

(a) A duplicate license fee of not more than two dollars (\$2).

(b) A fee for filing a change of name of a licensee of not more than two dollars (\$2).

(c) An operator's examination fee of not more than twenty-five dollars (\$25).

(d) An operator's license fee of not more than one hundred fifty dollars (\$150).

(e) An operator's license renewal fee of not more than one hundred fifty dollars (\$150).

(f) A company registration fee of not more than one hundred twenty dollars (\$120).

(g) A branch office registration fee of not more than sixty dollars (\$60).

(h) A field representative's examination fee of not more than fifteen dollars (\$15).

(i) A field representative's license fee of not more than forty-five dollars (\$45).

1 (j) A field representative's license renewal fee of not
2 more than forty-five dollars (\$45).

3 (k) An applicator's examination fee of not more than
4 fifteen dollars (\$15).

5 (l) An applicator's license fee of not more than fifty
6 dollars (\$50).

7 (m) An applicator's license renewal fee of not more
8 than fifty dollars (\$50).

9 (n) An activity form fee, per property address, of not
10 more than three dollars (\$3).

11 (o) A fee for certifying a copy of an activity form of not
12 more than three dollars (\$3).

13 (p) A fee for filing a change of a registered company's
14 name, principal office address, or branch office address,
15 qualifying manager, or the names of a registered
16 company's officers, or bond or insurance of not more than
17 twenty-five dollars (\$25) for each change.

18 (q) A fee for approval of continuing education
19 providers of not more than fifty dollars (\$50).

20 (r) A pesticide use report filing fee of not more than
21 five dollars (\$5) for each pesticide use report or
22 combination of use reports representing a registered
23 structural pest control company's total county pesticide
24 use for the month.

25 (s) A fee for approval of continuing education courses
26 of not more than twenty-five dollars (\$25).

27 (t) (1) Any person who pays a fee pursuant to
28 subdivision (s) shall, in addition, pay a fee of two dollars
29 (\$2) for each pesticide use stamp purchased from the
30 board. Notwithstanding any other provision of law, the
31 fee established pursuant to this subdivision shall be
32 deposited with a bank or other depository approved by
33 the Department of Finance and designated by the
34 Research Advisory Panel or into the Structural Pest
35 Control Research Fund—~~which~~ *that* is hereby created and
36 continuously appropriated to be used only for structural
37 pest control research. If the Research Advisory Panel
38 designates that the fees be deposited in an account other
39 than the Structural Pest Control Research Fund, any

1 moneys in the fund shall be transferred to the designated
2 account.

3 (2) Prior to the deposit of any funds, the depository
4 shall enter into an agreement with the Department of
5 Consumer Affairs that includes, but is not limited to, all
6 of the following requirements:

7 (A) The depository shall serve as custodian for the
8 safekeeping of the funds.

9 (B) Funds deposited in the designated account shall
10 be encumbered solely for the exclusive purpose of
11 implementing and continuing the program for which
12 they were collected.

13 (C) Funds deposited in the designated account shall
14 be subject to an audit at least once every two years by an
15 auditor selected by the Director of Consumer Affairs. A
16 copy of the audit shall be provided to the director within
17 30 days of completion of the audit.

18 (D) The Department of Consumer Affairs shall be
19 reimbursed for all expenses it incurs that are reasonably
20 related to implementing and continuing the program for
21 which the funds were collected in accordance with the
22 agreement.

23 (E) A reserve in an amount sufficient to pay for costs
24 arising from unanticipated occurrences associated with
25 administration of the program shall be maintained in the
26 designated account.

27 (3) A charge for administrative expenses of the board
28 in an amount not to exceed 5 percent of the amount
29 collected and deposited in the Structural Pest Control
30 Research Fund may be assessed against the fund. The
31 charge shall be limited to expenses directly related to the
32 administration of the fund.

33 (4) The board shall, by regulation, establish a
34 five-member research advisory panel including, but not
35 limited to, representatives from each of the following: (1)
36 the Structural Pest Control Board, (2) the structural pest
37 control industry, (3) the Department of Pesticide
38 Regulation, and (4) the University of California.—The
39 panel shall solicit and review research proposals for
40 recommendation to the board. The board shall distribute

1 ~~funds to qualified applicants, pursuant to the panel's~~
2 ~~recommendation, upon a two-thirds vote. The University~~
3 ~~of California's Structural Pest Control Research~~
4 ~~Extension (SPREC) shall solicit on behalf of the board all~~
5 ~~requests for proposals and present to the panel all~~
6 ~~proposals that meet the criteria established by the panel.~~
7 ~~The panel shall review the proposals and recommend to~~
8 ~~the board which proposals to accept. The~~
9 ~~recommendations shall be accepted upon a two-thirds~~
10 ~~vote of the board. The board shall direct SPREC, with~~
11 ~~administrative oversight by the Director of Forest~~
12 ~~Products Laboratory Cooperative Extension of the~~
13 ~~University of California, to prepare and issue the research~~
14 ~~contracts and authorize the transfer of funds from the~~
15 ~~Structural Pest Control Research Fund to the applicants~~
16 ~~whose proposals were accepted by the board.~~
17 (5) A charge for requests for proposals, contracts, and
18 monitoring of contracted research shall not exceed 5
19 percent of the research funds available each year and
20 shall be paid from the Structural Pest Control Research
21 Fund to the Forest Products Laboratory Cooperative
22 Extension of the University of California.

